

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRADLEY ALLEN GRUBHAM,
Petitioner,

v.

SUPERINTENDENT OBENLAND,
Respondent.

CASE NO. C13-5646 RJB-JRC
ORDER ON PENDING MOTIONS

The District Court has referred this 28 U.S.C. § 2254 petition to the undersigned Magistrate Judge. The Court stayed the petition and held it in abeyance so that petitioner could exhaust his claims in state court (Dkt. 23). Petitioner has filed a motion asking the Court to continue the stay so that he can file a petition for a writ of certiorari in the United States Supreme Court (Dkt. 33). The stay in petitioner's case expires May 22, 2015 (Dkt. 32).

The Court's purpose in staying a petition and holding the action in abeyance is to allow petitioner the opportunity to exhaust his claims in state court. *See Rhines v. Weber*, 544 U.S. 269, 275-77; *Calderon v. United States District Court (Taylor)*, 134 F.3d 981, 988 (9th

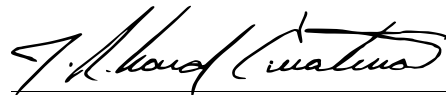
1 Cir.1998). A writ of certiorari is not a pleading necessary to exhaust a claim in state court. The
2 Court denies petitioner's motion to extend the stay past May 22, 2015.

3 Petitioner has also filed a motion asking the Court to allow him to file a memorandum in
4 support of the grounds for relief he alleges are the most egregious (Dkt. 34). Respondent has
5 filed a response that construes petitioner's motion as a motion to add four additional claims (Dkt.
6 35). Petitioner did not supply a copy of the proposed memorandum or amendment. Neither party
7 addresses the fact that petitioner's motion has been filed in a stayed action. Nor do the parties
8 address the fact that no proposed amendment is on file for the Court's review. *See generally*,
9 Local Civil Rule 15.

10 The Court's order staying this action remains in effect until May 22, 2015. The Court
11 will not entertain motions in a stayed action. Further, petitioner filed his petition at the same
12 time that he filed his motion to stay the action and hold it in abeyance (Dkt. 1 and 2). When the
13 stay dissolves, respondent will have until July 10, 2015, to file an answer or appropriate motion.
14 Petitioner has the opportunity to file a reply brief after receiving respondent's pleadings. The
15 Court denies petitioner's motion to file a memorandum in this case while the case is stayed.

16 The clerk's office is directed to remove Dkt. 33 and 34 from the Court's calendar.
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18 Dated this 30th day of March, 2015.
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21 J. Richard Creatura
22 United States Magistrate Judge
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